

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

JACOB HARTEIS,

Plaintiff,

vs.

DEBRA KIM CHRISOTPHER,

Defendant.

CV 18-91-M-DLC-JCL

FINDINGS AND  
RECOMMENDATION

Plaintiff Jacob Harteis, an inmate incarcerated at the Montana State prison appearing pro se in this action, filed a motion to proceed in forma pauperis under 28 U.S.C. § 1915(a). He also filed a pleading which the Court will construe as a complaint.

In his complaint Harteis asserts Defendant Debra Christopher, a state district court judge, refused to write down his full legal name on his inmate identification papers. Harteis states he was “absolutely insulted” by Christopher’s conduct.

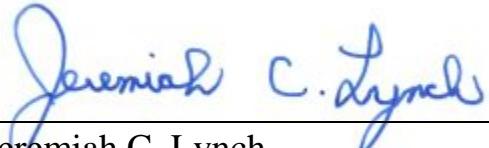
A district court has discretion to deny leave to proceed in forma pauperis under section 1915(a) “if it appears from the face of the proposed complaint that the action is frivolous or without merit[,]” i.e. lacking any arguable basis in fact or law. *Minetti v. Port of Seattle*, 152 F.3d 1113, 1115 (9<sup>th</sup> Cir. 1998).

The Court finds Harteis's allegations against Christopher are entirely frivolous. His claim has no basis in law – his factual allegations do not give rise to any legal claim on which relief could be granted.

Therefore, IT IS HEREBY RECOMMENDED that Harteis's motion for leave to proceed in forma pauperis be DENIED on the grounds that his complaint is frivolous, and this action should be DISMISSED.

Furthermore, a plaintiff is not entitled to file objections to a United States Magistrate Judge's recommendation that a motion to proceed in forma pauperis be denied. *Minetti*, 152 F.3d at 1114. Therefore, the Clerk of Court is directed to forward this recommendation to presiding District Judge for immediate consideration without awaiting a possible objection from Harteis.

DATED this 30<sup>th</sup> day of May, 2018.

  
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Jeremiah C. Lynch  
United States Magistrate Judge